

Exhibit 94

**From:** Rob Hawk  
**To:** Batta, Jamal; Handal, Michael; Ruhi, Hossein  
**Date:** September 20, 2007 3:30:35 PM  
**Subject:** Fwd: Proposal

the consultant's estimate for the first phase to install monitoring devices. The second phase proposal will be next week. The timing of the equipment needed for the work is that an approval of the proposal allows the work to begin on Monday. Otherwise they can start later in the week but the longer the delay, the less certain the drilling equipment availability. The proposal appears reasonable for this kind of work.  
Rob Hawk.

>>> "Stan Helenschmidt" <stan.hgi@sbcglobal.net> 9/20/07 2:13:14 PM >>>

Stan Helenschmidt

Helenschmidt Geotechnical, Inc.

5245 Avenida Encinas, Suite B

Carlsbad, CA 92008

tel 760 579-0333

fax 760 579-0230

**CC:** Gibson, Marnell; Oskoui, Afshin; Zoumaras, Dave

**HELENSCHMIDT GEOTECHNICAL, INC.**  
**SCHEDULE OF CHARGES**  
**2007**

**PERSONNEL**

Principal Engineer .....	\$ 160/hr
Senior Engineer .....	\$ 115/hr
Project Engineer .....	\$ 105/hr
Senior Staff Professional .....	\$100/hr
Staff Professional .....	\$ 95/hr
Field/Laboratory Technician .....	\$ 80/hr
Technical Illustrating .....	\$ 75/hr
Word Processing .....	\$ 55/hr
Clerical/Accounting .....	\$ 55/hr
Special Consultants .....	By Arrangement

**EQUIPMENT AND SERVICES**

Inclinometer System .....	\$ 150/day
Floor Level Surveying Equipment .....	\$ 100/day
Groundwater Level Probe .....	\$ 75/day
Digital Camera .....	\$ 75/day
Nuclear Moisture/Density Gauge .....	\$ 60/day
Laser Distance Meter .....	\$ 50/day
Vehicle .....	\$ .60/mi
Photocopying .....	\$ .15/copy
Computer Assisted Plotting .....	\$10/sq.ft.

The minimum charge for field observation time is two hours. Travel time will be charged at the applicable hourly rates above. Overtime for Field Technician Personnel is billed at 1.5 times the hourly rate.

Expert witness testimony for court appearances will be charged on a daily basis (minimum one day increments) at a rate of \$2,560 per day. Deposition testimony will be charged at a rate of \$320 per hour (minimum two hour charge). Preparation time and consultation for depositions or court appearances will be charged on a time-and-expense basis in accordance with the Personnel, Equipment, and Expense charges listed herein.

**LABORATORY TESTING**

Laboratory testing will be charged on a time-and-expenses basis in accordance with the Personnel, Equipment, and Expense charges listed herein. Outside laboratory services will be charged at cost plus 15 percent. Sample transport will be billed at the applicable personnel and mileage rates as shown. Special handling, supplies, permitting or containers will be billed at cost plus 15%. Laboratory samples will be discarded 60 days after the date of final report submittal unless storage is requested by the client. Sample storage charges will be quoted upon request.

**EXPENSES AND OUTSIDE SERVICES**

Expenses will be billed at cost plus 15 percent including but not limited to: Travel expenses including air fare, lodging, vehicle rental, etc. (a flat subsistence charge of \$50 per diem for overnight stay will be charged in addition to the lodging cost); Excavation and drilling subcontractors and expendable field supplies; Reproduction; Photographic film, processing and printing; Special fees, permits, insurance, etc.; Long distance communications; Equipment rental; Special mail service (overnight, freight, courier, etc.); and Special consultant fees.

**LIMITATIONS AND TERMS**

**Professional Liability** - We will use that degree of care and skill ordinarily exercised under similar circumstances by members of our profession in performing our services. No warranty, express or implied, is made or intended by our proposal for consulting services, by our furnishing oral or written reports, or by our inspection or work. You agree, to the maximum extent permitted by law, to limit our liability and the liability of our employees, directors, officers, subcontractors, and subconsultants on the project to the maximum aggregate amount of \$25,000 or the amount of the fee paid us for professional services as computed under the SCHEDULE OF CHARGES, whichever amount is greater for any and all claims, losses, costs, or damages of any nature whatsoever. This limitation shall apply regardless of the cause of action or legal theory pled or asserted. Moreover, you agree to indemnify us against damages in excess of \$25,000 or the amount of our fee, whichever amount is greater, arising from suits brought against us by third parties, in connection with our work performed on your project. In the event the client makes a claim or brings an action against us for any act arising out of our professional services, and the client fails to prove such a claim or action, the client shall pay all legal and other costs incurred by us in defense of such a claim or action.

**Field Exploration** - The client grants us right-of-entry to the project site. The client will provide us with locations and depths of buried utilities and structures. We assume no responsibility for damage or injury resulting from unmarked underground utilities or improvements. Our fee does not include cost of restoration of damage resulting from our exploration operations. Incidental damage will be repaired upon request on a time and expenses basis upon request.

**Payment** - Invoices for our services will be submitted, at our option, on a monthly basis or when the work is completed. Invoices are due immediately upon receipt, but will not be delinquent if paid on or before the thirtieth day following the date of the invoice. Unpaid balances beyond 30 days from the invoice date will be subject to an interest charge of 1.5 percent of the past due balance per month. Client will pay any attorney's fees or other costs associated with collection of delinquent charges.

# TRAFFIC SAFETY SOLUTIONS LLC.

## PROPOSAL & ACCEPTANCE

September 19, 2007

Customer: HELENSCHMIDT GEOTECHNICAL  
Project: SOLEDAD MTN ROAD POT-HOLE  
Location: SAN DIEGO, CA.

I propose to furnish all labor, materials, and equipment necessary to perform the following items of work, in a workmanshiplike manner:

### TRAFFIC CONTROL PLANS

-SITE SPECIFIC TRAFFIC CONTROL PLANS \$ 480.00  
PER OUR PHONE CONVERSATION FOR BOTH ROADS

( NO SUBMITALS TO CITY QUOTED)

Payment is due: C.O.D.

All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate.

Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ P.O./JOB# \_\_\_\_\_

3482 LA MIRADA DR SAN MARCOS, CA. 92078 ~ Ph (760)212-1470 Fax (760)295-4854

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Helenschmidt Geotechnical, Inc.

September 20, 2007

Mr. Michael Handal, P.E.  
Associate Civil Engineer  
Transportation Engineering Division  
City of San Diego  
1010 Second Ave. Suite 100  
San Diego, CA 92101-4905

**SUBJECT: Proposal for Installation of Inclinator Casings and  
Monitoring of Landslide Movement**  
**RE: Soledad Mountain Road, La Jolla, California**

Dear Mr. Handal:

In accordance with your request, Helenschmidt Geotechnical, Inc. (HGI) is pleased to present the following proposal for installation of inclinometer casings and landslide monitoring on Soledad Mountain Road adjacent to 5695 to 5725 Soledad Mountain Road and on Desert View Drive (even). In preparation of this proposal, the undersigned has visited the site, performed a reconnaissance of the current slope conditions and met with City of San Diego staff. In order to allow rapid mobilization of equipment and personnel, we have also performed coordination with drilling and traffic control subcontractors, marked preliminary boring locations, scheduled Underground Service Alert (USA) and discussed expedited permitting for borings/inclinometers with the County of San Diego Department of Environmental Health. We are currently preparing a proposal for detailed subsurface geologic investigation and preparation of plans for the stabilization of Soledad Mountain Road. The following proposal presents our proposed scope of work for installation of inclinometer casings and monitoring as the first step in characterizing current site geologic and geotechnical conditions and development of a mitigation plan for repair of the slope.

Characterization of the geometry of the landslide is imperative in order to assess current stability and to develop mitigative recommendations and design for stabilization of the roadway (Soledad Mountain Road). Detailed subsurface investigation and logging of surface and subsurface features will be required as well as laboratory testing of strength characteristics of the site soils and geotechnical analysis of slope stability. In order to allow determination of the depth and velocity of the landslide, we have proposed installation of a series of inclinometer casings within the landslide mass.

An inclinometer is a very sensitive geophysical instrument that can detect lateral movement within a soil mass when lowered down a pre-installed PVC casing. When on-going lateral movement occurs at depth, the inclinometer can detect the depth of the lateral movement as well as the direction of movement. Comparison of consecutive readings allows determination of the landslide velocity and acceleration (if present). Inclometers allow quicker and more precise determination of landslide movement than surveying data alone. The inclinometer has the capability to detect movement at depth often times before movements become apparent at the ground surface through survey data. The instrument is also capable of detecting lateral offset at multiple depths when more than one plane of weakness is present in the landslide mass.

Inclometers have proven to be a useful tool in characterization of landslides and to provide early warning of slope failures which could impact public safety and property. We anticipate that the

Mr. Handal  
Page 2

September 20, 2007

inclinator casings we have proposed will continue to be monitored during the subsurface investigation of the site which should immediately follow installation of inclinometers. Data acquired will be used as needed to allow development of emergency measures if acceleration of the landslide movement is detected.

#### **SITE CONDITIONS AND DISTRESS**

The recently activated landslide extends from the west side of Soledad Mountain Road near 5695 to 5725 toward the westerly portion of Desert View Drive. The landslide currently is approximately 210 feet wide at the head and 230 feet wide at the base (Desert View Drive) where it appears to be toeing up through the pavement. Surface expressions of landsliding include tearing and separation of asphalt pavement, distress to residence foundations and hardscape improvements at 5695 to 5725 Soledad Mountain Road and damage to a free standing wall on the east side of Desert View Drive. We understand that water line and gas line leaks have been detected and repaired within Soledad Mountain Road. Currently, the City is sealing cracks in the pavement and highlining the water main as an emergency measure.

The site of the current landslide is approximately 200 feet north of a previous landslide that occurred in the 1960s. The mode of failure is most likely a block glide type failure on very weak, easterly dipping sheared clay seam(s).

#### **PROPOSED SCOPE OF WORK**

We propose the following scope of work to install inclinometer casings and monitor landslide movement. Subcontractor fees are based on prevailing wages.

1. Inclinometer Casing Installation - Five small diameter borings will be drilled with hollow stem auger drill rigs. Three borings will be drilled to an estimated depth of 100 feet within Soledad Mountain Road adjacent to 5695 to 5725 (two on the east side, one on the west side). The borings along the east side will require a low mast drill rig due to the proximity of power lines. Remaining borings will be drilled with a truck mounted drill rig. Two borings will be drilled at the toe of the landslide along Desert View Drive to an anticipated depth of 50 feet.

Undisturbed and bulk samples of typical soils will be obtained at selected intervals during drilling for subsequent laboratory testing during the subsurface investigation and analysis phase (separate scope of work). The borings will be logged by our senior staff geologist. Drill cuttings will be hauled away on a daily basis to the Miramar Landfill.

Inclinometer casings will be installed in each of the borings. Inclinometer casings will be grouted in place with a cement-bentonite slurry in accordance with County of San Diego Department of Environmental Health requirements. The inclinometer casings will be left extended above grade over night to allow grout to cure. The casings will then be trimmed capped and provided with a trafficrated well cover cemented in place and set flush with the pavement surface.

We have marked proposed boring locations and notified Underground Service Alert (USA). We will meet USA on site to review boring locations and potential underground utilities. We request that you provide any information regarding known underground improvements to us prior to drilling. Please note that we assume no responsibility for damage to unmarked buried utilities or incidental damage to landscape or improvements during field investigation. If such damage occurs, we can repair it on a time and expenses basis in accordance with the attached Schedule of Charges upon your request.

Mr. Handal  
Page 3

September 20, 2007

Prior to drilling, we will also obtain permits from the County of San Diego, Department of Public Health. The Department of Environmental Health indicates that they will expedite permit processing (24 to 48 hours) for this project.

Traffic control will be provided in the proposed work area. We will submit a traffic control plan within 24 hours of your notice to proceed for the initial phase of drilling. We anticipate using Regional Standard Drawing TC-7 for a lane shift in Soledad Mountain Road. Signage will be placed each morning and removed each evening. However, flashing barricades will remain over night at inclinometer locations during installation. These barricades will be located outboard of the bike lane. We understand that an encroachment permit will not be required.

2. Inclinometer Monitoring - We will perform two initial readings of the five inclinometer installations and up to eight subsequent readings to identify the depth and rate of landslide movement. We expect to perform readings twice weekly until the rate of movement is established or until slowing of the current movement is apparent. If emergency conditions arise or if longer monitoring is desired additional readings may be performed in accordance with the attached Schedule of Charges. We will send inclinometer plots to the city geologist immediately following data reduction.
3. Consultation - In the event that acceleration of the landslide becomes apparent or there is a perceived risk to public safety, we will notify you immediately and discuss emergency procedures.
4. Report - We will prepare one interim report summarizing inclinometer readings. Additional reports may be performed at additional cost upon your request.

#### SCHEDULE

We have tentatively scheduled a drill rig for Monday September 24 pending your authorization. If authorization is granted today, we will maintain Monday's start date. Also, if authorization is granted today, we will submit the traffic control plan (TC-7) by 9:00 am tomorrow. If authorization requires more time or if the traffic control plan cannot be approved by 5:00 pm tomorrow, please let us know today and we will postpone the start of work per your direction. The duration of field work is 4 working days. Initial readings and at least one data set will be available within four working days of completion of installation.

#### FEE

We propose to perform our services on a time and expenses basis in accordance with the attached Schedule of Charges, Limitations and Terms. We estimate the fee for the tasks outlined above to be \$ 60,248 (Sixty Thousand Two Hundred Forty Eight Dollars). We request that a retainer of \$20,000 be submitted within two weeks of your authorization to help cover expenses for outside services and supplies. This cost includes the drilling and traffic control subcontractors, associated field supplies and five County of San Diego Department of Public Health boring installation permits.

#### AGREEMENT



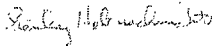
Mr. Handal  
Page 4

September 20, 2007

If you agree with the above scope of work, fee and schedule outlined above, as well as the attached Schedule of Charges, Limitations and Terms, please indicate your authorization for us to proceed by signing one copy of this agreement and returning it to us.

We look forward to providing you with the professional services described above. If you have any questions, please call at your earliest convenience.

Very truly yours,  
**Helenschmidt Geotechnical, Inc.**

  
Stanley Helenschmidt  
Principal Geotechnical Engineer

\_\_\_\_\_  
Approved and Authorized By

\_\_\_\_\_  
Date

09/19/2007 05:00

7602954954

TSS

PAGE 02

# TRAFFIC SAFETY SOLUTIONS LLC.

## PROPOSAL & ACCEPTANCE

September 19, 2007

Customer: HELENSCHMIDT GEOTECHNICAL  
Project: SOLEDAD MTN ROAD POT-HOLE  
Location: SAN DIEGO, CA.

I propose to furnish all labor, materials, and equipment necessary to perform the following items of work, in a workmanshiplike manner:

### TRAFFIC CONTROL

-POST NO PARKING SIGNS @ FIRST LOCATION 72HRS IN ADVANCED \$235.00  
INCLUDES 4-DAY RENTAL.

-TRAFFIC CONTROL SET-UP (MORNING) & PICK-UP (AFTERNOON) \$950.00/per Day  
(AND POST NO PARKING SIGNS FOR NEXT WORK DAY INCLUDES  
BARICADE RENTAL TO PROTECT PIPE OVERNIGHT) CERTIFIED PAYROLL

Payment is due: C.O.D.

All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate.

Acceptance of Proposal: The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ P.O./JOB# \_\_\_\_\_

3482 LA MIRADA DR SAN MARCOS, CA. 92078 ~ Ph (760)212-1470 Fax (760)295-4834

# TRAFFIC SAFETY SOLUTIONS LLC.

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September 19, 2007

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Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Date: \_\_\_\_\_ P.O./JOB# \_\_\_\_\_

3482 LA MIRADA DR SAN MARCOS, CA. 92078 ~ Ph (760)212-1470 Fax (760)295-4854

# Exhibit 95

**From:** Jamal Batta  
**To:** Afshin Oskoui; Dave Zoumaras; Hossein Ruhi; Marnell Gibson; Rob Hawk  
**Date:** Thu, Sep 20, 2007 4:40 PM  
**Subject:** Fwd: Mt. Soledad Geological Workup

We are looking at other funding options for the Inclinometers installation and monitoring phase of the project.

Below is the latest from RM as of 4:35 p.m. this afternoon.....jamal,  
=====  
=====

>>> Peter Yee 9/20/2007 4:35 PM >>>

Jamal, I our director is waiting to hear from the CFO as I stated, we will get back to you tomorrow.

Exhibit 96

Submitted for  
Tammy's approval 9/27/07

CITY OF SAN DIEGO  
M E M O R A N D U M

Downs 1716  
6-777-1

DATE: September 21, 2007

TO: Tammy Rimes, Deputy Director, Purchasing and Contracting Department

FROM: Richard Haas, Deputy Chief of Public Work

SUBJECT: Soledad Mountain Road Repair – Sole Source Consultant Agreement

REF: San Diego Municipal Code Section 22.3212

Your concurrence is requested for a sole source selection of Helenschmidt Geotechnical, Inc., a geotechnical consulting firm, for soil investigation and evaluation for the Soledad Mountain Road Repair Project. The scope of work will include installation and monitoring of inclinometers to observe ground movement, soil testing and evaluation, and preparation of construction drawings and specifications needed by the City in order to hire a contractor to execute the work. The estimated fee for the consultant work is below \$250,000.

Staff both from the Transportation Engineering Design Division and Field Engineering Division, have determined that hiring Helenschmidt Geotechnical, Inc., would be the best course of action to complete the geotechnical investigations and design for this project in the most timely manner. For example the inclinometers to measure ground movement need to be installed immediately. This information is critical for the design of the project. Staff recommends sole source procurement because competitive selection or bidding requirements would be undesirable and impractical for the following reasons:

1. Soledad Mountain Road is already showing signs of distress, and we need to investigate it immediately as a health and safety issue.
2. Helenschmidt Geotechnical, Inc., is very familiar with the ground conditions in the area and design requirements, because they have previously conducted work on a similar project for the City along Dessert View Drive. They have special expertise that will result in substantial savings to the City since they could use some of their previous work material.

Therefore, it is requested that you approve the procurement of this service on a sole source basis from Helenschmidt Geotechnical, Inc., under the San Diego Municipal Code Section 22.3212, Contracts Not Required to Competitively Bid, which reads in part: *"The contracts listed in Section 22.3212 (a)-(g) are not required to be competitively bid: ....(d) A contract that is availability from a Sole Source only, if, in advance of the contract, the City Manager certifies in writing in accordance with Section 22.3037 the Sole Source status of the provider;..."*

# Exhibit 97



**From:** Peter Yee  
**To:** Jamal Batta  
**Date:** Fri, Sep 21, 2007 10:27 AM  
**Subject:** Mt. Soleday Earthmovement

Jamal, our director has spoke with Jay Goldstone's office on funding for the Geological expert for inclinometer monitoring etc which you said would cost about 60k. Jay has stated at this time these geological expenses should come from the Engineering funds. At this point no claims pending and it is unclear what is causing the movement.

# Exhibit 98

**From:** Richard Haas  
**To:** Afshin Oskoui; Jamal Batta  
**Date:** Fri, Sep 21, 2007 1:06 PM  
**Subject:** RE: Soledad Mountain Road

I have a meeting with Jay at 2:00 today and will ask him. R

>>> "Afshin Oskoui" <AOskoui@SanDiego.gov> 9/21/2007 11:45 AM >>>

Rich, not sure what engineering funds we can tap into at this time. We either have to tap into some of the deferred maintenance funds or unappropriated reserves. We don't have much time to chase the funding down at this time. We can wait until Monday for us to get back, or get clarification from Jay if unappropriate reserves can be used for this purpose. Thanks, afshin

-----Original Message-----

From: "Jamal Batta" [jbatta@sandiego.gov](mailto:jbatta@sandiego.gov)  
To: [AOskoui@sandiego.gov](mailto:AOskoui@sandiego.gov)  
Cc: [RHawk@sandiego.gov](mailto:RHawk@sandiego.gov); [DZoumaras@sandiego.gov](mailto:DZoumaras@sandiego.gov); [HRuhi@sandiego.gov](mailto:HRuhi@sandiego.gov); [RHaas@sandiego.gov](mailto:RHaas@sandiego.gov)  
Sent: 9/21/07 10:56 AM  
Subject: Soledad Mountain Road

Afshin:

Please see below e mail from RM. Also please keep in mind that the major chunk of money will be needed later for any subsequent work such as the soil investigations, design, and construction.

Thanks, Jamal

=====

>>> Peter Yee 9/21/2007 10:27 AM >>>

Jamal, our director has spoke with Jay Goldstone's office on funding for the Geological expert for inclinometer monitoring etc which you said would cost about 60k. Jay has stated at this time these geological expenses should come from the Engineering funds. At this point no claims pending and it is unclear what is causing the movement.

[Message delivered by NotifyLink]

**CC:** Dave Zoumaras; Hossein Ruhi; Rob Hawk

# Exhibit 99

**From:** Jamal Batta  
**To:** KSantoro@sandiego.gov  
**Date:** Sat, Sep 22, 2007 5:26 PM  
**Subject:** Soledad Mountain Road – Environmental Requirements

Kerry:

This is a follow up to our discussion last week. Did you have a chance to talk to DSD staff?

Basically I need to know if they have any requirements during the soil's investigation phase. The soil's borings will be in the street ROW. I hope they don't. Any environmental requirements will have an impact on the consultant fees. I am expecting the proposal by Wednesday 9/26. Therefore, I need to know any requirements for this phase, if any, by Monday 9/24, so the consultant can include it in the proposal. Also I need a determination for my 1544.

Can DSD staff do the archeology monitoring in the event it is needed? I am saying this because I don't want to increase the consultant's proposal which is I think is in the range \$200K. Any increase beyond \$250K will kick me to a different lengthy approval process.

I am cc'ing Patti so she may assign someone in DSD to help move the process quickly.

Please let me know if you have any questions.

Thanks, jamal

**CC:** PBoekamp@sandiego.gov, AOskoui@sandiego.gov, DZoumaras@sandiego.gov, RHawk@sandiego.gov, HRuhi@sandiego.gov

# Exhibit 100

**From:** Jamal Batta  
**To:** Afshin Oskoui  
**Date:** Mon, Sep 24, 2007 2:08 PM  
**Subject:** Soledad Mountain Road - Sole Source Memo

Afshin:

I just talked to Tammy Rimes. I answered few questions she has and she signed the sole source memo to hire the geotechnical consultant. The sole source memo will waive the competition process to hire the consultant. However, Tammy wants a full executed agreement signed by the attorney also, to authorize the consultant to proceed with any work.

We already have a proposal for \$60K from the consultant to install the Inclometers. The consultant will give me by Wednesday another proposal for the remainder of the geotechnical work. I expect this portion of the proposal to cost \$150K. The total geotechnical work will be around \$220K or so. Funding is not identified yet.

I talked to Tammy about the logistic of this as to processing two agreements or combine everything in one agreement. She is flexible on this and doesn't mind either option. I prefer to do everything in one 1544, if possible (e.g. funding availability).

So, at this point I need the funding information. Also I'll send copy of our agreement to the consultant so he can start pulling the required insurances.

Please let me know if you have questions.

Thanks, jamal

**CC:** Dave Zoumaras; David Jarrell; Hossein Ruhi; Michael Handal; Richard Haas; Rob Hawk

# Exhibit 101



**From:** Bill Harris  
**To:** Alex Ruiz; Jim Barrett; Richard Haas  
**Date:** 9/25/2007 10:59:41 AM  
**Subject:** Fwd: more on the landslide problems on Mt. Soledad

FYI

>>> Maurice Luque 9/25/2007 10:45 AM >>>  
Fred, George, Bill:

Regarding the landslide issues in the Mt. Soledad area...Fire-Rescue has also been in touch with Jamal Batta, a city senior engineer in capital projects, about a landslide problem at 5700 Soledad Mtn. Rd., the cross street is Palomino -- the road is separating causing a potential for landslide. Batta says he is working with the Water dept, Streets and sewer to relocate sewer mains, cable, gas to decrease the potential for landslide.

Batta said city crews are installing a high line (above ground) water line and it should be in by Friday. He was asked if this would affect any hydrants in the area. He was not sure and said that he would get back to us on it. In the other area where we have this problem (Via Casa Alta), installing a high line did prompt them to shut off 2 hydrants -- this is the situation I mentioned in my previous communication that Fire-Rescue was not made aware of. Those hydrants were off for months until were accidentally found out about the work and inquired about the hydrants in the area being affected.

I have also attached the satellite pictures of what appears to be a large crack or fissure in the area of 5700 Soledad Mtn. Rd.

(Fred, George and Bill: Sometime this week, we plan on flying the area with a city geologist -- Rob Hawk. Let me know if you'd like to go on flight.)



Google

© 2007 Sanborn  
© 2007 Tele Atlas  
© 2007 Europa Technologies

Point: 32.49.32.09 N 117.14.34.01 W Elev: 535 ft  
streaming 100%



Google

© 2007 Senborn  
© 2007 Tele Atlas  
© 2007 Europa Technologies

Point: 32.493473PN 117.1412830 W elev: 535 ft

Streaming

100%

# Exhibit 102

**From:** Afshin Oskoui  
**To:** Tracy Jarman  
**Date:** 9/25/2007 2:08:52 PM  
**Subject:** Re: Fwd: more on the landslide problems on Mt. Soledad/

Hi Tracy,

We appreciate Maurice's effort to keep folks on the 11th floor informed of what is happening. We have a project team that's working on this issue, including keeping everyone in the loop (Mayor and Council Offices included). The other element was to notify Public Safety about our efforts, and also alerting you for the purposes of preparedness. Given the public liability issues, technical interpretations should be left/referred to the subject matter experts for clarification. If there are any questions please don't hesitate to contact us directly. Thanks, Afshin

>>> Rob Hawk 09/25/2007 12:37:17 PM >>>

Hi all: This hurts, not the least since I love aerial reconnaissance, but the attached shows a comparison of the crack photos with the topography of the area, revealing that the feature is a brush-lined, sharply-incised erosion channel at the bottom of a canyon, similar to others in the area, and not a fissure. The lower reach of the channel is familiar to some of you as "Alta La Jolla", where we just lost a 10 million dollar lawsuit for the erosion.

Thanks for referring this over to me. If you ever have any questions about features such as this, please don't hesitate to contact me.

Rob Hawk

PS: I'm always open to aerial reconnaissance at every opportunity, and it is an excellent tool for this kind of problem.

Robert N. Hawk, PE  
Senior Engineering Geologist/Deputy City Engineer  
City of San Diego, Engineering and Capital Projects  
Field Engineering Division, MS 18  
9485 Aero Drive San Diego, CA 92123  
(858) 573-5011  
(858) 627-3297 (Fax)  
[rhawk@sanidiego.gov](mailto:rhawk@sanidiego.gov)

Working Together to Engineer a Better Tomorrow

>>> Jim Barrett 9/25/07 11:16 AM >>>

Bill - talk to Rob Hawk... he is the City's geologist and soil expert. jim

Jim Barrett, P.E.  
Director, Water Department  
City of San Diego  
600 "B" Street, Suite 1300, MS 913  
San Diego, CA 92101-4588  
O: 619.533.7555  
F: 619.533.7593  
[jbarrett@sanidiego.gov](mailto:jbarrett@sanidiego.gov)

>>> Bill Harris 09/25/07 10:59 AM >>>

FYI



>>> Maurice Luque 9/25/2007 10:45 AM >>>  
Fred, George, Bill:

Regarding the landslide issues in the Mt. Soledad area...Fire-Rescue has also been in touch with Jamal Batta, a city senior engineer in capital projects, about a landslide problem at 5700 Soledad Mtn. Rd., the cross street is Palomino -- the road is separating causing a potential for landslide. Batta says he is working with the Water dept, Streets and sewer to relocate sewer mains, cable, gas to decrease the potential for landslide.

Batta said city crews are installing a high line (above ground) water line and it should be in by Friday. He was asked if this would affect any hydrants in the area. He was not sure and said that he would get back to us on it. In the other area where we have this problem (Via Casa Alta), installing a high line did prompt them to shut off 2 hydrants -- this is the situation I mentioned in my previous communication that Fire-Rescue was not made aware of. Those hydrants were off for months until were accidentally found out about the work and inquired about the hydrants in the area being affected.

I have also attached the satellite pictures of what appears to be a large crack or fissure in the area of 5700 Soledad Mtn. Rd.

(Fred, George and Bill: Sometime this week, we plan on flying the area with a city geologist -- Rob Hawk. Let me know if you'd like to go on flight.)

CC: Alex Ruiz; Bill Harris; David Jarrell; Hossein Ruhi; Javier Mainar; Jaymie Bradford;  
Jim Barrett; Maurice Luque; Richard Haas; Rob Hawk

# Exhibit 103

# Sewer/Water Infrastructure Management

Actions



## Work Order Data Entry

SR #: 3012845	Wof: 1	Priority: 1	Radio #: 1813	Wtr/Swr: W	WO Stat: CMP	WO Recd Dt:	Orig Prob Cd: 1161
Prob Cd / Primary Ind: IOSR Y							Field Bk Pg/Grid: C12S
Street #	Frac	Dir	Street Name	Sfx	Suite#	Juris	Data Steward: 1850 BERNARD POWELL
5703			SOLEDAD MTN	RD		SD	X St:
Inter:							Thomas Bros Pg: 1248A2
Loc Desc:							Service Area: 2
Job Desc:							ES Service Area: W
Special Inst:							Plant Service Area: MI
							Assign Dt: 09/25/07 17:00
							WO Gen Dt: 09/25/07 17:00

USA#:	Exp Dt:	Fac Typ: WTRM	Fac Seq#: 389224	Request:	Plw: 619
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Work Cd	Action Cd	Service Request Comments			
RPR	RPR				
		ST: 09/25/07 07:30	End: 09/25/07 17:30	JO #: 53526	Emp: 3 Hrs: 10.00

WO Comments: Page 1 of 1	COMPLETED (2) 12" CUT & PLUGS
Creation Dt/Tm: 10/3/07 9:23	
Upd Dt/ID: 10/3/07 9:23 EME	

Completed by Radio #:	Cancel:	Total Crew Hours: 30.00
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Referral	Priority:	Ref to Radio:	Work Code:	Fac Type:	Fac Seq #:
Job Desc:					

Last Update Dt: 10/3/07 9:23	Last Update ID: EME	Last Batch Update Dt:	Last Batch Update ID:
WO Completed Dt: 10/3/07 9:23	Completed By: EME		

Please Wait.... Swim is currently sending this screen to your printer.

Start Sewer/Water I...



SR #

3012845

Creation Dt/Tm

09/25/07 17:04

Last Update Dt / ID

09/26/07 07:38 FMF

SR Comments

PER 1813, HYDRNT @ 5703 SOLEDAD MTN RD 10-7 PERMANENTLY; HYDRNT @ 5682 SOLEDAD MTN RD 10-8  
06 9/25/07 KC